

# ITEM 9-A

## CITY OF ALAMEDA

### Memorandum

To: Honorable President and  
Members of the Planning Board

From: Andrew Thomas,  
Planning Services Manager

Date: July 11, 2011

Re: **Tentative Parcel Map 8060 and Density Bonus Application PLN10-0262**  
**Applicant: Francis Collins.** A proposed tentative map and density bonus application to construct 182 residential units, internal roadways and alleys and a waterfront park on a 9.48-acre property located at 2229 through 2241 Clement Street at the corner of Clement Street and Oak Street commonly referred to as the "Boatworks Project".

### BACKGROUND

The subject property is a severely blighted 9.48 acre site located on the northern waterfront at 2229 Clement Street at the intersection of Clement and Oak Streets, one block from the Park Street Bridge. The site is located in the Business and Waterfront Improvement Project Area (BWIP) and has been vacant for over 15 years. One of the vacant warehouse buildings on the property was mostly destroyed by fire in 2000 and a second building was the location of two fires recently. The property has been on occasion used as a temporary homeless encampment, and the property is a significant blight on the surrounding community and waterfront.

In 1991, the property was designated in the General Plan as a site that should be redeveloped for residential use with a public waterfront park. The General Plan called for the City to purchase approximately 4.5 acres of the property for a 10-acre park. Despite several attempts to raise the funds since 1991, the City has been unable to raise the funds necessary to acquire the land for the proposed 10-acre park.

Since 1991, the property owner and applicant, Mr. Francis Collins, has made several unsuccessful attempts to gain City approvals to entitle the property, and Mr. Collins has filed a series of lawsuits over the City's denial of his proposals to redevelop his property.

In 2008, Mr. Collins submitted a proposal to construct 242 housing units on the property. The proposal was designed to invoke the protections of two State Laws regarding affordable housing and to maximize the potential residential density on the property. To qualify for protections under *California Government Code section 65589.5*, the State "Housing Accountability Act," the project included the necessary percentage of affordable housing (20%) to qualify as an "affordable housing project" under 65589.5

and qualified for the benefits and protections of *California Government Code section 65915*, the State Density Bonus Law.

**Blight conditions and fire damaged buildings on site.**



Since 2008, Mr. Collins and his representatives have been working with City staff to identify a compromise plan that Mr. Collins, the community, the Planning Board and City Council could support. On October 5, 2010, after several public hearings before the Planning Board and City Council, the City Council, upon the recommendation of the Planning Board, unanimously:

- Certified a Final EIR for the redevelopment of the property;
- Approved a General Plan Amendment for the property;
- Approved a rezoning of the property;
- Upheld the Planning Board's denial of the 242 residential proposal; and
- Approved a Settlement Agreement that outlined a series of steps by which the property might be redeveloped to the satisfaction of the City and Mr. Collins consistent with a 182 unit "reduced density alternative" with a two acre public park.

### Existing blight conditions on the property's waterfront



In 2011, Mr. Collins took the first steps outlined in the Settlement Agreement and submitted his application for a tentative map and density bonus application for a 182 unit reduced density project for the site. His applications do not include a Design Review application for the new homes or the park. Mr. Collins or a future developer will submit those applications at a later date, if the City approves the Tentative Map and density bonus applications.

### DISCUSSION

The recommended Tentative Map and Density Bonus application is designed to eliminate or reduce the problems that were identified with a 242 residential unit proposal and achieve a number of community benefits and objectives for the property. Those benefits and objectives may be summarized as follows:

- Housing and Open Space. Redevelop the site with housing and open space consistent with General Plan policies.
- Public Waterfront Open Space: Provide a publicly accessible waterfront park of approximately two acres.
- Public Street "Grid": Provide public access (physical and visual) through the site from the existing neighborhoods on Clement and Blanding to the waterfront open space by extending the street "grid" through the site to the water and adjacent properties.
- Blight and Property Values: Remove the blighted conditions that currently exist on the property and provide a development that will have a positive effect on property values in the area and support the redevelopment of adjacent properties including the redevelopment of the North Park Street area.

- Environment: Reduce or eliminate environmental impacts associated with the 242-unit plan.
- Transit Oriented Design and Housing Diversity: Provide a diversity of housing types in transit oriented configurations and densities.

The Public Open Space: Tentative Map 8060 includes plans for approximately two (2) acres of waterfront public open space available for the public's enjoyment. The two-acre open space would be constructed by the project and maintained with funds from the future homeowners. The park is envisioned as a passive waterfront park that includes paths, green areas appropriate for picnicking and informal Frisbee games, public docks and ramps for launching kayaks and other non-motorized personal watercraft, and water and wildlife viewing areas. Public access to the waterfront public open space is provided by: a) a 24 foot wide central open space "spine" from Clement Avenue, b) a pedestrian connection from Blanding and Oak (across the street from the Little House Café), c) the adjacent open space at Park Street Landing, and d) the internal project roadways. In the future, the park may be extended onto the Dutra Property to the west. Public guest parking is provided on Elm, Blanding and the Waterfront West Lane loop road.

A portion of the waterfront park will be constructed on lands owned by the Army Corps of Engineers on the northern edge of the property. Conditions of approval require that before the Final Map is approved, the Planning Board, the Bay Conservation and Development Commission (BCDC), and the Army Corps of Engineers must approve the necessary licenses, permits and final design of the open space.

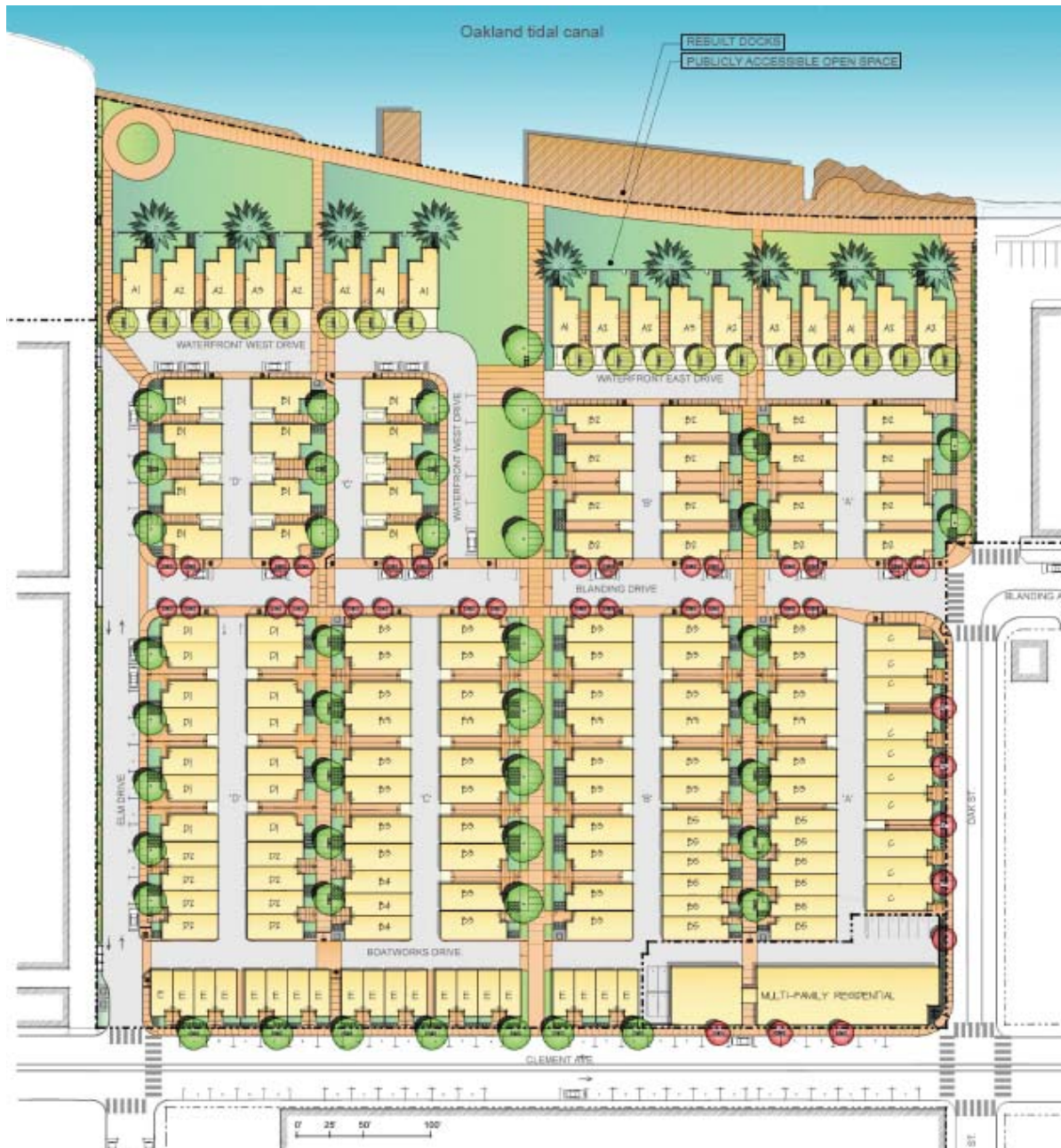
The Public Street Grid: The Tentative Map includes an extension of Elm Street and Blanding Avenue into the project. A future extension of Blanding into the adjacent Mini Storage property is provided if and when the Mini Storage site is redeveloped for residential use in the future. (The Storage site is zoned for residential use.) The plan also includes a "Waterfront West Lane" loop road from the top of Elm around and down to Blanding. This loop provides automobile access and parking for the users of the park. Per the recommended conditions of approval, Elm Drive and Blanding Drive will be dedicated to the City, but they will be maintained with funds from the future homeowners. The remaining streets will be privately owned and maintained.

Residential Development: The Tentative Map provides for a development of up to 182 units with a diversity of product types (single family, duet, town home, and multi-family), which is made possible by the City of Alameda and State of California Affordable Housing Density Bonus regulations. At full build-out, the overall density of the proposal is approximately 19 units per acre. The map provides for:

- Forty six (46) single family home lots;
- Forty (40) duplex homes or "duet" lots;
- Sixty seven (67) attached town homes lots grouped in rows of three to six units;



- A lot for a twenty nine (29) unit multifamily building located at the corner of Oak and Clement Street; and
- A system of five internal alleys to service the 182 units.



The map is designed to create a pedestrian friendly, transit oriented urban neighborhood. The property is one block from Park Street transit services and is conditioned to include transit passes and car share membership for each home. The attached town homes and the multifamily building lots are located on Clement Street (a designated transit corridor in the General Plan) and Oak Street (a designated bike route

in the General Plan). The duets and single-family homes are located in the interior of the property. All the homes on Oak Street, Clement Street, and Elm Street face the street. Homes on the interior of the project will face internal “paseos” (landscaped pedestrian-only rights of way). A rear alley provides access to the garage for every home. No curb cuts are needed on Clement Street or Oak Street. New sidewalks and trees will be provided on Clement, Oak, Blanding, and Elm. There will be no sound walls.

Planning Board concerns and requirements from the 2010 public hearings have been included in the conditions of approval for the Tentative Map. For example, conditions of approval require that the 15 homes that are oriented with their sides facing Blanding be designed with a front door and attractive “front elevation” facing Blanding. Conditions also require that the project provide optional floor plans available for buyers with disabilities (such as a floor plan with an elevator or a floor plan with the Master Bedroom on a lower floor with the kitchen and living area). Additional conditions state that that building heights should vary between two and four stories, and that the multifamily housing should not exceed four stories or 50’ in height and should include a minimum of at least one parking space per unit. Single family and town home buildings should be a maximum of three stories or 38’ feet in height.

Affordable Housing Density Bonus Application The Tentative Map requires approval of a density bonus application pursuant to State of California Section 65915 and City of Alameda AMC Section 30-17. Consistent with the 2010 Settlement Agreement, the applicant is requesting a density bonus for a “base” project of 140 units. The project qualifies for a 30% density bonus (42 units for a total of 182 units) because the applicant proposes to provide 9% of the 140 units to households that qualify as very low income. In addition to the 13 very low-income units, the project is also providing 8 units for moderate-income households. All 21 of the affordable units will be rental units provided within the multifamily building at the corner of the Clement and Oak Street.

Pursuant to State and local regulations, the applicant is eligible to request, incentives, concessions, and/or waivers from local development standards. Under state and local regulations, incentives and concessions are requests that are made by the applicant to reduce the costs of constructing the project. Waivers are requests made by the developer that are necessary to allow the base project and the bonus units to physically fit on the property.

Mr. Collins is not requesting any concessions or incentives; but he is requesting a number of waivers from certain development standards to enable the project to fit on the property. Specifically, Mr. Collins is requesting a waiver from Alameda Municipal Code (AMC) Section 30-53.2’s prohibition on multifamily housing (to allow construction of the multifamily building and the attached town homes) and AMC Section 30-4.2’s 2,000 square foot minimum lot size. All of the town homes and duets are on lots of less than 2,000 square feet. Both of these waivers were anticipated in the 2010 Settlement Agreement. In addition, Mr. Collins is requesting a third waiver from AMC section 30-7

Off-Street Parking (to allow up to 30 of the smallest market rate units to provide one-car garages instead of two car garages).

Staff has reviewed the Tentative Map and the request for the waivers and has determined that the waivers from the three AMC Sections are necessary to enable to fit 182 units to fit on the property with the two acres of open space and the 1.3 acres of land needed to extend Elm Street and Blanding Avenue into the property. In regards to the parking waiver, the 30 town home parcels are too narrow to allow a two-car garage. To widen the parcels would require a redesign of the site plan to reduce the number of units, reconfigure the layout of the street system and possibly reduce the size of the park. Further reduction of the on-street parking requirement is not recommended.

### FINDINGS:

Based upon the above analysis staff is recommending that the Planning Board make the necessary finding for Tentative Map and Density Bonus Approval:

1. The proposal qualifies for a Density Bonus pursuant to Section 30-17. The applicant is proposing to provide 9% of the units to very low-income households, which qualifies the project for a 30% density bonus for a total project size of 182 units.
2. The proposal qualifies for a certain waivers from City of Alameda Development Standards pursuant to Section 30-17. The applicant has requested certain waivers from certain development standards included in AMC Section 30-52 (to allow multifamily housing), AMC Section 30-4.2 (to allow parcels less than 2,000 square foot in size), and 30-7 (to allow some homes to have a one car garage) that physically preclude the construction of the development at the densities permitted.
3. The requested development standard waivers would not have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of section 65589.5, upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
4. The requested development standard waivers would not be contrary to state or federal law.
5. The proposed subdivision is in substantial conformance with the General Plan and Zoning for this site. The development is consistent with the R-2/PD and Open Space General Plan and Zoning designations for the property.
6. The site is physically suitable for the proposed residential development and waterfront public open space because: a) the property is within a one block walk of Park Street retail and transit services, b) the two acre waterfront park will improve public access to and along the waterfront in this area of the City, and c) at 19 units per acre, the project is less than the maximum 21 units permitted by the General Plan and City of Alameda Density Bonus Ordinance.

7. The proposed development will result in health and safety improvements to a property that is currently severely blighted and a detriment to the surrounding community.
8. The proposed design of the subdivision and improvements, as conditioned, will not cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
9. The design of the subdivision and its improvements will create public easements and rights of way required by the public at large for access through, around, and adjacent to the property. The project will include public right-of-way that will enhance public access through the property to and along the waterfront. Easements for public open space, parking, traffic circulation, surface drainage runoff, and utilities are required as conditions of the Final Map.

### ENVIRONMENTAL REVIEW

A full environmental impact report has been prepared for this project in compliance with CEQA. Based on substantial evidence, no further environmental review is required for the proposed project as provided by Section 15162 of the California Environmental Quality Act Guidelines because neither the project, nor the circumstances surrounding the project, would result in any new or more severe significant impacts to the environment, there is no new information of substantial importance, and there are no substantial changes to the project.

### RECOMMENDATION

That the Planning Board hold a public hearing and adopt the draft resolution approving Tentative Parcel Map 8060 and Density Bonus Application PLN10-0262 for the redevelopment of the property located at 2229 through 2241 Clement Street, commonly referred to as the Boatworks Project.

Respectfully submitted,

Andrew Thomas  
Planning Services Manager

Attachment(s):

1. Tentative Map 8060
2. Applicant's Application for Density Bonus and Waiver Request
3. Draft Planning Board Resolution